

## **EXHIBIT 11**

**SFGATE** <http://www.sfgate.com/crime/article/S-F-jail-inmates-forced-to-fight-Adachi-says-6161221.php>

## S.F. jail inmates forced to fight, public defender says

By Vivian Ho Updated 9:29 pm, Thursday, March 26, 2015

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S.F. Sheriff Ross Mirkarimi listens in to public defender Jeff Adachi during a news conference about S.F. sheriff deputies staging cage-fight style matches between inmates for their entertainment and gambling ... [more](#)

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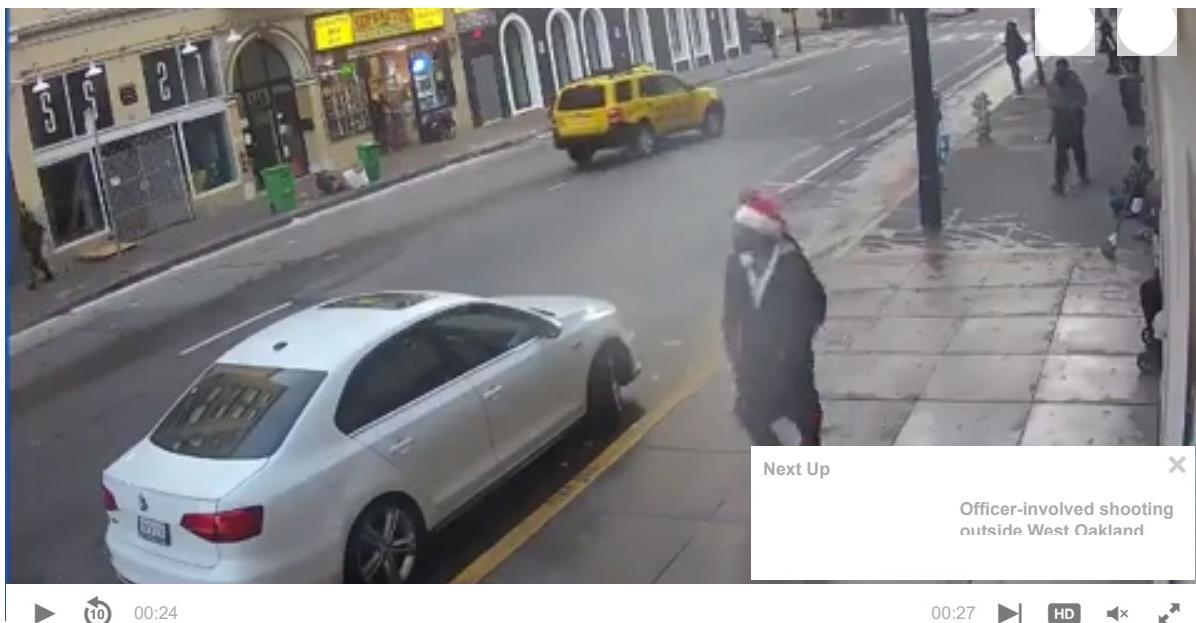
San Francisco sheriff's deputies arranged and gambled on battles between County Jail inmates, forcing one to train for the fights and telling them to lie if they needed medical attention, the city's public defender said Thursday.

Since the beginning of March, at least four deputies at County Jail No. 4 at 850 Bryant St. threatened inmates with violence or withheld food if they did not fight each other, gladiator-style, for the entertainment of the deputies, **Public Defender Jeff Adachi** said.

Adachi said the ringleader in these fights was Deputy **Scott Neu**, who was accused in 2006 of forcing inmates to perform sexual acts on him. That case was settled out of court.

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"I don't know why he does it, but I just feel like he gets a kick out of it because I just see the look on his face," said **Ricardo Palikiko Garcia**, one of the inmates who said he was forced to fight. "It looks like it brings him joy by doing this, while we're suffering by what he's doing."

An attorney for the **San Francisco Deputy Sheriff's Association**, the union representing the deputies, called the allegations "exaggerated," and said the fighting was "little more than horseplay."

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But in a recorded conversation with Adachi, Garcia described a predatory atmosphere of fear and retribution in which deputies would knock over his tray and force him to gamble for his food.

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Garcia, who is in custody on drug and gun possession charges, said that earlier this month he was twice forced to fight another inmate, **Stanley Harris**, to the point where his ribs may have been fractured and he could not sleep on his side because of the pain.

Adachi said the four deputies involved were Neu, **Eugene Jones**, **Clifford Chiba** and Evan Staehely. All four have been placed on paid administrative leave.

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"They took me down to the hallway and told me to fight another inmate, which was Stanley, and told me if I didn't fight that I would basically get beat up by themselves, by Deputy Neu," Garcia said. "And he told me he was going to Mace me and cuff me if I didn't."

**'Anything goes'**

Neu told Garcia and Harris that if they required medical attention, they were to lie and say they fell off a bunk, Garcia said.

"And he told me anything goes," he said. "Just don't punch the face, so no one can basically see the marks. But anything goes, other than the face."

Garcia said that at 5 feet 9 and 150 pounds, he was the smallest man in the pod while Harris, at 6 feet and 350 pounds, was the biggest.

During the first fight, which took place in a part of a hallway that was blocked from view, Neu appeared to have been betting on Harris, Garcia said, who tapped out after the smaller man got him in a headlock.

"Deputy Neu told Stanley he would be coming on Saturday, the following day, to take him to work out and to basically train him," Garcia said. "And he also told everyone that was there that there will be a round two and he does not like to lose money."

**Rape threat alleged**

Harris, in another recorded conversation with Adachi, said Neu once made him do 200 push-ups within an hour as part of "training." As he did his push-ups, Neu threatened to anally rape him, telling him "he'll take my cheeks," Harris said.

During other sessions of forced exercise, Neu also told him "he wanted to go a round with me," taking off his belt and shirt to try and fight with Harris.

"This is sadistic behavior," Adachi said. "This is something that goes beyond any sense of common decency."

The public defender's office hired a private investigator to look into the claims after learning of the allegations this month and the attorneys were going to wait until their clients were safe and out of the jail before they came forward with the allegations. But they received word that another fight was planned for next week, Adachi said.

In a report compiled by private investigator **Barry Simon**, Harris and Garcia said the deputies — Neu in particular — threatened to take them off their kitchen jobs or send them to a jail where more dangerous inmates were housed.

**Witness to gambling**

Another inmate, **Jonathan Christopher**, witnessed one of the fights between Harris and Garcia. He said Neu had a habit of making inmates gamble against him for their basic benefits of food and clean laundry. He carried red dice and a deck of cards with him for this reason, but even if they won, he would sometimes take their items anyway, giving them to other inmates as payoffs.

Harris said Neu had a tattoo on his right arm and lower leg reading, "850 Mob," possibly in connection to the jail's location at 850 Bryant St.

Harry Stern, an attorney for the deputies union, slammed what he called Adachi's "cursory sham investigation."

"The hypocrisy of Adachi engaging in trial by one-sided press conference cannot go unchallenged: He has done a cursory sham investigation by interviewing a few inmates over a scant two days rather than having the decency to request a serious impartial investigation," Stern said in a statement. "It is unfortunate that Mr. Adachi didn't initiate a formal complaint that would have been investigated thoroughly by the appropriate agencies. The investigators would have had the opportunity to interview witnesses, including the accused deputies, and look for physical evidence."

Some inmates working with Adachi have exaggerated a rather benign situation, Stern said.

"A deputy may have encouraged one inmate to work out. The deputy may have also allowed two inmates to wrestle in order to settle a dispute about who was stronger," he added. "The 'wrestling' was essentially little more than horseplay. There was no betting. The inmates were never forced to work out. They were never forced to fight."

### A permissive culture

The fight allegations came to light after Garcia's father asked his son's attorney to help. Deputy **Public Defender Scott Grant** spoke to his client and learned Garcia had been forced to fight another inmate, who also was represented by the public defender's office, Adachi said.

**Matt Gonzalez**, the public defender's chief attorney, said the reported abuse indicates that there is a deeper, ongoing problem within the Sheriff's Department.

"These acts cannot occur without the implicit acceptance of otherwise law-abiding deputies," Gonzalez said. "It is impossible for just two or three or even four deputies to commandeer the jail and stage fights without other deputies being aware of it."

Sheriff **Ross Mirkarimi**, who was at Adachi's news conference, said he was "extremely disturbed" when Adachi called him about the allegations Thursday morning. The department's internal affairs unit has begun an investigation and the sheriff is asking the U.S. Department of Justice to conduct an independent investigation into the allegations.

He echoed Gonzalez's concerns about a culture problem in his department.

"I do not accept any kind of culture within our county jail system that would resort to such barbaric or unlawful activity as these deputies have demonstrated," he said.

### Inmates transferred

Though Harris and Garcia told Adachi they wanted to stay where they were so they could work in the kitchen, Mirkarimi said they had been transferred to another San Francisco jail "for their protection."

Meanwhile, Police Chief Greg Suhr said he received the report from Adachi and that his department will be investigating to see if there is any criminal wrongdoing.

The allegations “are egregious enough that I forwarded them on (to the special investigations division),” he said.

District Attorney George Gascón called the allegations “deplorable.”

“Common sense indicates that such conduct does not occur without the knowledge of numerous people,” he said in a statement. “These allegations require an independent and thorough investigation into the practices and supervision of the San Francisco Sheriff’s Department.”

### **'Sick, sick conduct'**

The sexual assault lawsuits against Neu were settled out of court, said Adante Pointer, the attorney who represented a female inmate in that case. In addition to the woman, Neu was accused of forcing two transgender inmates to perform sexual acts on him.

“It was sick, sick conduct,” Pointer said. “I am surprised he was even still in the position to be with inmates unsupervised.”

*Vivian Ho is a San Francisco Chronicle staff writer. E-mail: vho@sfchronicle.com Twitter: @VivianHo*

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